

## REMARKS

This communication is a full and timely response to the non-final Office Action dated February 5, 2008. Claims 1-17 remain pending. By this communication, claims 1, 3, 6, 8, and 9 are amended. Claims 4 and 5 are cancelled without prejudice or disclaimer to the underlying subject matter. Support for the amended subject matter can be found, for example, on page 6, lines 17-21 and page 13, line 14 through page 14, line 23 of the disclosure.

### **Objections to the Specification/Rejections Under 35 U.S.C. §112**

The specification is objected to under 35 U.S.C. §132(a) for containing new matter, which was allegedly introduced in Applicant's amendments filed on August 8, 2007 and November 13, 2007. Also claims 1-17 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement due to new matter. Applicant respectfully traverses these rejections.

On page 3 of the Office Action, the Office alleges that prior to the aforementioned amendments Applicant's specification failed to disclose selectively turning ON/OFF the heating element alternatively and repeatedly at zero-crossings of an alternating current power supply. Applicant disagrees.

At page 8 of Applicant's disclosure, reference is made to reducing heating output (i.e. power reduction) by selectively actuating timing of first and second heating elements during different portions of an alternating current power supply cycle. Specifically, Applicant's disclosure states:

In this scheme, reduction in heating output is achieved by selectively activating a first heating element and/or a second heating element which are

individually switchable during certain portions of the alternating current power supply. (pg. 8, lines 8-11)

Further, at page 9, reference is made to the timing for activating the first and second heating elements during portions of the alternating current power supply cycle. Namely, Applicant's disclosure describes how a synchronization circuit provides timing information for actuating the first and second heating elements at or near zero-crossing points of the alternating current power supply cycle. For example, Applicant's disclosure states:

This synchronization circuit provides timing information of the alternating current supply so that the MCU can determine the appropriate actuation timing of the heating elements at or near zero-crossing point of the alternating current supply or other appropriate points to reduce harmonics and alleviate other undesirable effects (pg. 9, lines 13-17).

. . . . .

In the present specific embodiment, power reduction by selectively power chopping or selectively turning on and off the heating elements at appropriate times provides a non-dissipative scheme of power reduction . . . (pg. 9, lines 21-23).

Applicants respectfully submit that based on at least the above-cited portions, one of ordinary skill would recognize the Applicant's amendment directed to the zero-crossings of an alternating current power supply was described with clarity and precision in Applicant's disclosure at the time the application was originally filed.

To comply with the written description requirement the description must clearly allow persons of ordinary skill in the art to recognize that the applicant invented what is claimed. See In re Gosteli, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Under Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555,

1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed. The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." Ralston Purina Co. v. Far-Mar-Co., Inc., 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting In re Kaslow, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)). Accordingly, withdrawal of these rejections is respectfully requested.

Claims 1-17 were further rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, claims 1 and 3 are amended for clarity. Withdrawal of this rejection, therefore is respectfully requested.

#### **Rejections Under 35 U.S.C. §103**

Claims 1-4 and 12-17 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Polaert et al* (U.S. Patent No. 5,790,749) in view of *Walter et al* (U.S. Patent No. 4,260,875) and *Schilling et al* (U.S. Patent No. 5,396,047). Applicant respectfully traverses these rejections.

Independent claim 1 recites, among other features, a visual display means on a main housing, the visual display means indicating instantaneous operating conditions of the hair dryer, wherein said display means includes graphical representations showing operating conditions of said hair dryer, said operating conditions including an indication of at least one of two fan speed levels of the hair

dryer when the hair dryer is turned on and an operation status of a built-in ionizer of the hair dryer.

Contrary to the Examiner's assertions, the combination of *Polaert*, *Walter*, and *Schilling* fails to establish a *prima facie* case of obviousness.

The Office alleges that *Polaert* discloses every element recited in Applicant's claims except for an air heating mechanism having a first and second heating element. The Office relies on *Walter* in an effort to remedy this deficiency. Further, *Polaert* and *Walter* are acknowledged to fail to disclose or suggest Applicant's claimed non-dissipative power of reduction scheme. The Office relies on *Schilling* in an effort to remedy this deficiency. Despite the combination of these references, however, Applicant respectfully submits that these references fail to disclose or suggest the combination of claim features cited above.

On page 10 of the Office Action, *Walter* is alleged to disclose Applicant's claimed visual display means. *Walter* discloses a neon lamp 30 which indicates when a heating device is on or off. However, one of ordinary skill would understand that a neon lamp cannot display graphical representations of operating conditions such as an indication of at least one of two fan speed levels with the hair dryers turned on and an operation status of a built in ionizer, as recited in Applicant's claims. Rather, the neon lamp 30 as described in *Walter* is merely capable of providing a binary output indicative of an on or off condition of the hair dryer.

Neither *Polaert* nor *Schilling* disclose a component or feature that one of ordinary skill would reasonably consider to be analogous to Applicant's claimed visual display means.

In summary, *Polaert*, *Walter*, and *Schilling* when applied individually or in combination fail to disclose or suggest every element recited in Applicant's claims. For at least these reasons, a *prima facie* case of obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. V. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the above reasons, Applicant respectfully requests that this rejection be withdrawn.

Claims 5-11 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability. Specifically, claim 5 is rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Polaert et al* (U.S. Patent No. 5,790,749) in view of *Walter et al* (U.S. Patent No. 4,260,875) and *Schilling et al* (U.S. Patent No. 5,396,047), and further in view of *Harris et al* (U.S. Patent No. 6,393,718); claim 9 was rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Polaert et al* (U.S. Patent No. 5,790,749) in view of *Walter et al* (U.S. Patent No. 4,260,875) and *Schilling et al* (U.S. Patent No. 5,396,047) and *Harris et al* (U.S. Patent No. 6,393,718) and further in view of *Drehler et al* (U.S. Patent No. 6,953,916); claims 6, 8 and 10 were rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Polaert et al* (U.S. Patent No. 5,790,749) in view of *Walter et al* (U.S. Patent No. 4,260,875) and *Schilling et al* (U.S. Patent No. 5,396,047), and further in view of *Drehler et al* (U.S. Patent No.

6,953,916); and claims 7 and 11 were rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Polaert et al* (U.S. Patent No. 5,790,749) in view of *Walter et al* (U.S. Patent No. 4,260,875) and *Schilling et al* (U.S. Patent No. 5,396,047) and *Drehler et al* (U.S. Patent No. 6,953,916), and further in view of *Harris et al* (U.S. Patent No. 6,393,718). Applicant respectfully traverses these rejections.

Because these claims variously depend from independent claim 1, Applicant respectfully submits that they are allowable for at least the same reasons discussed above. Moreover, these claims are further distinguishable over the applied references by virtue of the additional elements recited therein. Because *Harris* and *Drehler* fail to remedy the deficiencies of *Polaert*, *Walter*, and *Schilling* as combined, a prima facie case of obviousness has not been established. Accordingly, withdrawal of these rejections is respectfully requested.

### **Conclusion**

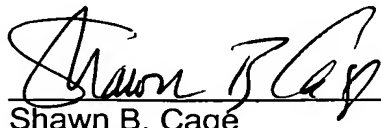
Based on at least the foregoing amendments and remarks, Applicants respectfully submit that claims 1-17 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Office is invited to contact Applicant's representative identified below.

Respectfully submitted,

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